

Bill 57 (2022)
Testimony

TO: Honolulu City Council

November 29, 2022

FROM: Alexander Garcia

SUBJECT: Bill for ordinance 57(2022) Testimony

Honorable Members of the Honolulu City Council,

My name is Alexander Garcia, I am a veteran and retired Honolulu Police Lieutenant with 42 years of actively serving our great country, this great state and this amazing city. I'd like to commend Mayor Blangiardi and Council Chair Waters for addressing the issue regarding the recent decision of the U.S. Supreme Court regarding the 2nd Amendment which has raised their concerns regarding citizens in Hawaii exercising their right to bear arms. However, it is apparent from the proposed ordinance that their efforts are misguided and unintentionally misleading.

Page 1, paragraph 3 references an 1852 Hawaii law that "the public's expectations have been shaped by legal restrictions on public carry that have been in place for 170 years, setting a default rule for businesses and charitable organizations that is consistent with the public expectations that will ease public confusion and avoid individual confrontation, while facilitating private decision making by business and charitable organization".

The reality is that in 1852 there was no proliferation of firearms in Hawaii, unlike the United States west, south, northeast, Midwest and east. The weapons in Hawaii were predominantly knives, spears and clubs. Also of note, is that Hawaii in 1852 was a Kingdom, not a US Territory or State. The 1852 Hawaii law was established after an 1850 law that allowed foreigners to buy land in Hawaii.

King Kalakaua III is said to have made personal possession of firearms illegal to prevent Native Hawaiians from revolt over being dispossessed of their lands. Only the King's military and a select few were allowed firearms. As we all know, in 1893 the Kingdom was overthrown with little resistance as the Native Hawaiians who were no match for the might of the US Military and armed land and business owners. Of note also is that in 1852 the 2nd Amendment had been in effect for 61 years, being ratified on December 15th, 1791.

The proposed ordinance does not offer additional penalties for criminals that have no regard for law or any ordinance and are free to wreak havoc. Nor does it support law enforcement or prosecutors to combat violators and does not support encouraging judges to deal harshly with criminals. It only proposes to criminalize citizens who have complied and been thoroughly vetted and in full compliance of the 2nd Amendment, local, state and federal laws.

At a minimum, the proposed ordinance should be amended to require any business that prohibits service to vetted and compliant citizens to provide armed and uniformed security to ensure the safety of those now unable to provide for their own safety. Failure to provide this level of security will create a great financial liability to these establishments.

It is extremely disappointing to see the Mayor propose to circumvent the U.S. Constitution in response to what he perceives as an "unpopular" right. I would remind the Mayor and the Council that upon taking office they swore an oath, the same oath I took when I joined the US Navy and the Honolulu Police Department. An oath to support and defend the constitution. This oath does not allow us to circumvent the Constitution because we are uncomfortable with it. If your conviction is true, you would best serve this community by passing a resolution to have our congressional delegation move to amend what you're not comfortable with, rather than circumvent the Constitution and violate your oath.

Thank you for allowing me to express my views.

Respectfully submitted,

Alexander Garcia

Lt. Alexander Garcia (RET)